

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Applicant has elected Figure 12 and Claims 1-4, 6, 7, 9, 10 and 12 for further prosecution in the present application based upon the Election of Species filed July 28, 2005.

Claims 1-4, 6, 7, 9, 10 and 12 have been rejected under 35 U.S.C. §102 as being anticipated by Giavasis (USP 3,173,584). Claims 4, 5, 8, 11 and 13 have been canceled, without prejudice and thus, Claims 1-3, 6, 7, 9, 10 and 12 remain active.

It is noted that while Giavasis has been cited for a rejection of the claims of the present application, such reference has not yet been made of record by the Examiner in the Notice of References cited in form PTO-892. The Examiner is therefore requested to properly list this reference in a Notice of References cited accompanying the next Office Action.

Considering next then the rejection of Claims 1-4, 6, 7, 9, 10 and 12 under 35 U.S.C. §102 as being anticipated by Giavasis, Applicant notes that Claim 1 has now been amended so as to include the limitations of former Claim 4, now canceled. Therefore, as shown in Figure 12 the present invention, as now claimed, is characterized by the following features:

- (i) the delivery nozzle of the housing is disposed in an upward direction.
- (ii) an upwardly inclined path pierces the delivery nozzle, and liquid lifted by the liquid-lifting mechanism can advance upwardly towards an exhaust port through the path.
- (iii) a liquid flow-inhibiting mechanism is provided in a lower part of the exhaust port of the delivery nozzle and the liquid flow-inhibiting mechanism inhibits a discharged liquid from flowing out of the exhaust port, down a lower face of the outer tube of the nozzle and toward a main body side of the housing.

In accordance with the present invention, when the motor and helical screw cease their rotations, the empty space intervening between the lower end of the cylindrical tube and the leading end (the exhaust port) of the delivery nozzle is filled with the viscous liquid.

However, by the construction that the delivery nozzle is disposed in an upward direction and an upwardly inclined path pierces the delivery nozzle, the viscous liquid filling the upwardly inclined path of the delivery nozzle is prevented from dropping down unexpectedly past the exhaust port of the delivery nozzle and instead returns into the container. By the construction that the liquid flow-inhibiting means is provided in a lower part of the exhaust port of the delivery nozzle and the delivery nozzle is disposed in an upward direction, the discharged liquid can be effectively precluded from the flowing from the exhaust port along the lower surface of the outer tube of the nozzle toward the main body of the housing (cf. paragraph [0093], page 23 of the present application).

On the base of the above-mentioned features (i)-(iii), by using the liquid dispenser of the present invention, a proper amount of the liquid from within the container can be drawn without an unnecessary amount of the liquid being drawn. As a result, a user can sanitarily use this dispenser.

While the Examiner has rejected Claims 1-4, 6, 7, 9, 10 and 12 over the teachings of Giavasis, it is noted that the Examiner has indicated that “an upwardly inclined path” of originally filed Claim 4 is similar to the dip tube of the material guide wave 126 in Figure 2 of Giavasis, as mentioned at page 4, second paragraph of the Office Action. In this regard, Applicant notes that while the dip tube in the material guide wave 126 of Figure 2 of Giavasis is disposed “in a downward direction” and is clearly not disposed in an upward direction so as to form “an upwardly inclined path” as claimed in the present invention. Similarly, the dispensing spout 124 of the container 112 in Figure 2 of Giavasis is clearly shown as being

disposed in “a downward direction” and is not disposed in an upward direction in a manner similar to the delivery nozzle of the present invention.

Applicant further submits that Giavasis does not teach or disclose a structure functioning as a liquid flow-inhibiting mechanism which inhibits a discharge liquid from flowing out of the dispensing spout, down a lower face of the dip tube to the material guide way and toward a main body side of the container.

As can thus be appreciated, Giavasis fails to teach or disclose any of the above-mentioned features (i)-(iii) of the present invention, as now claimed.

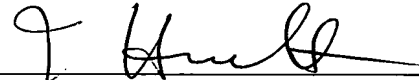
Applicant further submits that the dispensing device as shown in Giavasis cannot teach or disclose structure which performs the functions of the present invention because none of the dispensing devices in Giavasis suggest a modification of the structure of Giavasis or teach features (i)-(iii) of the present invention.

A review of the remaining references of record also fails to teach or disclose the above-emphasized limitations of Claim 1 as now amended. Applicant further submits that neither Giavasis nor any of the remaining references of record teach or disclose the limitations of Claims 2-3, 6, 7, 9, 10 and 12. None of these references rectify the deficiencies noted hereinabove with regard to Giavasis. It is therefore submitted that each of these dependent claims also merits indication of allowability.

In view of the foregoing, an early and favorable Office Action is believed to be in order and the same is hereby respectfully requested.

Respectfully submitted,

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